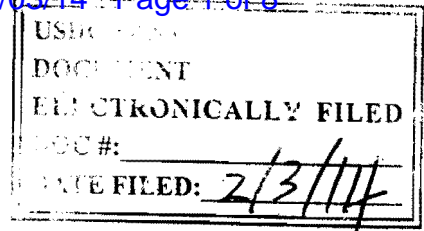


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK



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:
IN RE WORLD TRADE CENTER LOWER :
MANHATTAN DISASTER SITE LITIGATION :
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:
:
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ORDER SUMMARIZING
STATUS CONFERENCE

21 MC 102 (AKH)

ALVIN K. HELLERSTEIN, U.S.D.J.:

This Order summarizes the conference held January 27, 2014.

1. Status of Fact Discovery:

- a. Plaintiffs' and Defense Liaison Counsel reported their progress in completing fact discovery. Subject to a letter (attached) of Defense Liaison Counsel, discovery is complete. As to outstanding discovery:
 - i. I instructed the parties that I would not order any discovery after January 30, 2014, the discovery deadline. The parties may, on their own, take depositions scheduled after January 30, 2014, but the Court will not order or regulate any discovery after the deadline.
 - ii. Non-party Mount Sinai Hospital reported that it is concerned by the amount of time that has been taken in examining its doctors. I instructed the parties that I would so-order an agreement that Mount Sinai will, by January 31, 2014, schedule dates for the 22 depositions of doctors identified in Defense Counsel's letter, on a double track between February 3, 2014 and February 14, 2014, with each deposition to be limited to three hours.

- iii. As to depositions of the outstanding non-party witnesses, see subparagraph (i) above, and see my endorsed order of January 27, 2014 order regarding the scheduling of the deposition of non-party Milro.
- iv. Plaintiffs' Liaison Counsel reported that Defendant Brookfield Financial Properties will be deposed within the next two weeks and that Marriott Claims Services has agreed to be deposed and will be deposed soon.
- b. Plaintiffs' Liaison Counsel complained that some Defendants owe answers to interrogatories. I rejected Plaintiffs' request for an order compelling defendants to comply with the interrogatories because Plaintiffs had not raised this issue until the end of fact discovery.
- c. Christopher LoPalo, one of Plaintiffs' counsel, reported that the Defendants have not produced all of the reports from their physical examinations of Plaintiffs. Defendants are obligated to produce such reports timely.


2. Case Selection and Settlement Discussions:

- a. I directed the parties to produce for the Court and the Special Masters, on a schedule to be arranged with Professor Twerski, a fair summary of each of the depositions, taken of the 38 Group I and Group II plaintiffs, along with their answers to interrogatories and noting inconsistencies. The summaries each should be presented as a single document, with any disputes identified. The summaries will be used by the Court in selecting its five cases for trial.

- b. I encouraged the parties to work with Professor Twerski in considering approaches to settlement, such as by focusing settlement discussions on the claims involving one or two individual buildings and using the Garretson firm's point system for evaluating Plaintiffs' claims.
 - c. Professor Twerski will meet with the parties between February 19 and 21, 2014.
- 3. All expert discovery is stayed until the next status conference, April 3, 2014, 4.00pm.
 - 4. Mr. LoPalo requested that the Court order a process for selecting another set of cases for intensive fact discovery and preparation for trial. I ordered Plaintiffs and Defendants to designate 10 new cases each on April 3, 2014. The Court will designate 10 more cases the following week.
 - 5. The next status conference will be held at 4.00 pm on April 3, 2014 in Courtroom 14D.

SO ORDERED.

Dated: January 31, 2014
New York, New York


ALVIN K. HELLERSTEIN
United States District Judge

MCGIVNEY M&K KLUGER, P.C.

**80 BROAD STREET, 23RD FLOOR
NEW YORK, NEW YORK 10004
(212) 509-3456 – TELEPHONE
(212) 509-4420 – FACSIMILE**

January 27, 2014

Honorable Alvin K. Hellerstein
United States District Judge
United States District Court
Southern District of New York
500 Pearl Street
New York, New York 10007

RE: *World Trade Center Litigation- Outstanding depositions*

Dear Judge Hellerstein:

On behalf of the parties to the World Trade Center Litigation in response to your request for the identification of depositions needed to be completed for those cases included in discovery Groups I and II, the parties have conferred and identify the following:

I. Physicians Required to be Deposed:

A. Group I & II Napoli Plaintiffs: -

1. Angel Avila (07cv00060):

1. Kenneth W. Altman, M.D. (Mt. Sinai)

2. Ivan Ayala (07cv01466):

1. Julie Milite, M.D. (Mt. Sinai)

2. Yuki Young, M.D. (Mt. Sinai)

FLORHAM PARK, NJ
(973) 822-1110

FT LAUDERDALE, FL
(954) 848-3681

HARTFORD, CT
(860) 404-3000

NEW YORK, NY
(212) 509-3456

PHILADELPHIA, PA
(215) 557-1990

SAN JOSE, CA
(408) 279-8844

SPARTA, NJ
(973) 726-4958

SYRACUSE, NY
(315) 473-9648

WALNUT CREEK, CA
(925) 947-1300

WILMINGTON, DE
(302) 656-1200

Hon. Alvin K. Hellerstein

January 27, 2014

Page 2 of 5

3. Virginia Barbosa (06cv1649):

1. Dr. Shohet

2. Dr. Aguila

4. German Ernesto Bunay (07cv01572):

1. Rafael de la Hoz M.D.(Mt. Sinai)

5. Ivan Calero (06cv01650):

1. Dr. Feder (Mt. Sinai)

6. Aida Chalco (07cv01481):

1. Mario R. Haro, M.D.

7. Andrzej Chojnowski (07cv01588):

1. Timothy Harkin, M.D. (Mt. Sinai)

2. Michael Shohet, M.D. (Mt. Sinai)

8. Mieczyslaw Dabrowski (07cv05283):

1. Dr. Kaminski (to be completed)

9. Ruth Diaz (07cv01601):

1. David Appel, M.D.

10. Walter Gallegos (07cv04467):

1. Kenneth W. Altman, M.D. (Mt. Sinai)

2. R. Nisha Auroa, M.D. (Mt. Sinai)

3. Jang B. Chadha, M.D.

11. Sixta Garcia (07cv05292):

1. Kenneth W. Altman, M.D. (Mt. Sinai)

2. Britt Hatfield, M.D.

3. Pilar Carbajal, M.D. (Mt. Sinai)

Hon. Alvin K. Hellerstein

January 27, 2014

Page 3 of 5

4. Teresa M. Cuadra, M.D. (Mt. Sinai)

12. Salma Guzman (08cv02273):

1. Mary Jo Demilia, M.D. (Mt. Sinai)

13. Slawomir Karpinski (07cv01634):

1. Palka Wojciech, M.D.

14. Hilario Mejia (07cv01662): -

1. Satish Govindaraj, M.D. (Mt. Sinai)

15. Edgar Mendez (07cv01663):

1. Daniel Burnham, M.D. (Mt. Sinai)

2. Lauren K. Schwartz, M.D. (Mt. Sinai)

16. Napoleon Pina (06cv12413):

1. Lori Pai, M.D. (Mt. Sinai)

17. Bertha Tache (07CV01537):

1. Dr. Robles (Mt. Sinai)

2. Dr. Laurie Malkoff

3. Dr. Serrano

18. Cristhian Tapia (08cv02248):

1. Emily Tonorezos, M.D. (Bellevue)

2. Elizabeth Chuang, M.D. (Bellevue)

19. Pedro Torres (08cv02310):

1. Daniel Christian Burnham (Mt. Sinai)

2. Teresa M. Cuadra, M.D. (Mt. Sinai)

Hon. Alvin K. Hellerstein

January 27, 2014

Page 4 of 5

B. Group I & II Cannata Plaintiffs:

1. Tadeusz Kowalewski (06cv01521):

1. Dr. Neil Schacter (Mt. Sinai)
2. Dr. David Mendelson (Mt. Sinai)

2. Alex Sanchez (05cv01091):

1. Neil Schachter, M.D.

3. Mieczyslaw Zygmunt (09cv00679):

1. Dr. Adler
2. Dr. Ryzewski

II. Non Party Witnesses to be Deposed:

1. Milro
2. Branch
3. DEP (started, not completed)
4. Safeway (started, not completed)
5. PAL (started, not completed)
6. Bovis Lend Lease (started, not completed)
7. ABM (started, not completed)
8. MTA and Tri-Borough Bridge and Tunnel Authority
9. Mt. Sinai 30(b)(6) representative (to be continued)
10. Benjamin Kurban
11. LVI (started, not completed)
12. CES/Comprehensive Environmental
13. Grisdale Ball
14. Legend Construction
15. Slavco Construction
16. Trio Asbestos (started, not completed)
17. Seasons Environmental
18. Tradewinds
19. New York State Department of Labor
20. Ambient Group (started, not completed)

III. Defendants to be Deposed:

1. Brookfield Financial Properties
2. Marriott Claims Services for HMC Capital Resources, LLC, Marriott Hotel Services, Inc. and MK West Street Company

Hon. Alvin K. Hellerstein

January 27, 2014

Page 5 of 5

Thank you for your attention. As always, please contact the undersigned with any questions.

Respectfully submitted,
McGivney & Kluger, P.C.

Richard E. Leff

By: _____
Richard E. Leff

Cc:

Plaintiffs' Liaison Counsel
Defense Liaison Counsel